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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,017	11/03/2003	James P. Stephan	9168A	2148

7590

02/21/2006

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,017

Applicant(s)

STEPHAN, JAMES P.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-8 and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell (4,334,899), in view of Gorden (6,790,137 B2).

McConnell discloses an air return grille (16) for seating in an air return opening (col. 1, lines 7-8) adapted for mounting at least one filter (24) comprising a frame (16) defined by a pair of side frame members, a top frame member (44) and a bottom frame member (46), a plurality of inwardly facing spaced apart slat seats (48, 50) provided in the side frame members (40, 42), and a plurality of slats (52) seating on the slat seats (48, 50) (see col. 3, lines 42-48). McConnell further discloses the slat seats (48, 50) disposed at a selected angle with respect to the longitudinal axis of the side members (col. 3, lines 50-56). Claims 1-8 and 15-24 differ from the disclosure of McConnell in that the filter assembly having a centerbar with a plurality of spaced apart slat openings disposed between side members. Gorden discloses three centerbars with a plurality of spaced apart slat openings disposed between side members (30). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a plurality of centerbars as taught by Gorden in the filter apparatus of McConnell since it is well-known in the art that the centerbar not only locks the filtering member in the frame, but also reinforces the filtering member against rearward budging under pressure produced by the air drawn or forced through the filter .

Claims 9-14 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell (4,334,899), in view of Gorden (6,790,137 B2), as applied supra, and further in view of either Lackey et al (6,918,940 B1) or Vogt et al (4,689,058).

Claims 9-14 and 25-30 call for retainer clips mounted on the filter frame for removably mounting the filter on the frame. Lackey et al disclose filter retainer clips (32 in Fig. 3, col. 2, lines 10-32) mounted on the filter frame (12) for removably mounting the filter (26) on the frame (12). Vogt et al disclose filter retainer clips (20 in Fig. 1, col. 3, lines 28-39) mounted on the filter frame (10) for removably mounting the filter (16) on the frame (10). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide retainer clips as taught by either Lackey et al or Vogt et al in the filter apparatus of McConnell and Gorden since the clips would facilitate easy mounting or removal of filter element onto or off the filter frame for filter replacement due to life or routine maintenance.

Response to Arguments

Applicant's arguments filed on December 5, 2005 have been fully considered but they are not persuasive.

Applicant argues that none of the cited prior arts discloses "a centerbar or centerbars, since more than one centerbar may be provided, is provided with multiple, spaced-apart slat openings". The Examiner now drops the secondary reference Chirstofferson and newly introduces Gorden as the secondary reference in combination with the primary reference McConnell to show three centerbars with a plurality of spaced apart slat openings disposed between side members (30), as claimed. It would

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have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a plurality of centerbars as taught by Gorden in the filter apparatus of McConnell since it is well-known in the art that the centerbar not only locks the filtering member in the frame, but also reinforces the filtering member against rearward budging under pressure produced by the air drawn or forced through the filter.

Applicant's arguments with respect to claims 1-30 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Minh-Chau Pham', written in a cursive style.

Minh-Chau Pham

Patent Examiner

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February 16, 2006